

**UNITED STATES DISTRICT COURT  
DISTRICT OF NORTH DAKOTA  
WESTERN DIVISION**

Howard J. Miller, et al.	) Civil Action No. 1:20-cv-00132-DMT-CRH
	)
	)
	)
Plaintiffs,	)
	)
v.	)
	)
Juárez Cartel, a/k/a Vicente Carrillo	)
Fuentes Organization (a/k/a “CFO”),	)
a/k/a La Línea.	)
	)
Defendant.	)

**DECLARATION OF JOHN M. EUBANKS IN SUPPORT OF THE *MILLER*  
PLAINTIFFS’ APPLICATION FOR ATTORNEY’S FEES AND COSTS**

I, JOHN M. EUBANKS, declare, under penalty of perjury, as follows:

1. I am an attorney admitted to practice in the above-captioned matter and Member Attorney with the law firm Motley Rice LLC, counsel for the *Miller* Plaintiffs before this Court.
2. I submit this declaration in support of the *Miller* Plaintiffs’ Application for Attorney’s Fees and Costs.
3. The sources of my information and the basis for my belief in the statements contained herein are my personal involvement in this matter, my firm’s representation of the *Miller* Plaintiffs before this Court, and my tenure with Motley Rice LLC where I have been employed as an attorney since 2004. Any matters about which I lack personal knowledge are asserted herein upon information and belief.

4. Attached hereto as Exhibit A is a true and correct copy of a Firm Resume for Motley Rice LLC, lead trial counsel for the *Miller* Plaintiffs before this Court, setting forth an overview of the firm, profiles for cases in which Motley Rice LLC attorneys have held leadership roles around the country, accolades received by the firm from legal publications and organizations, and biographies of the firm's Members,<sup>1</sup> Senior Counsel, Associates and Counsel, and Staff Attorneys.

5. Motley Rice LLC is headquartered in Mount Pleasant, South Carolina with additional offices located in Providence, Rhode Island; Hartford, Connecticut; New York, New York; Morgantown, West Virginia; Charleston, West Virginia; Washington, DC; Cherry Hill, New Jersey; and Philadelphia, Pennsylvania.

6. Counsel for the *Miller* Plaintiffs spent significant time and resources to litigate this case. The tasks included meeting with clients to gain important factual background; meetings and working sessions with experts to submit important reports for the proceedings; communicating and meeting with Mexican government officials to obtain admissible documents from the Mexican government investigation into the attacks at issue in this case; submitting numerous filings with this Court throughout the procedural history of this litigation; coordinating with counsel for the *Langford* Plaintiffs to ensure non-duplicative presentation of issues to the Court; preparing for the damages trial conducted from February 7, 2022 through February 10, 2022; participating in and presenting evidence and testimony at the damages trial conducted from February 7, 2022 through February 10, 2022; preparing the post-damages-trial Proposed Findings of Fact and Conclusions of Law; and preparing this instant application for attorney's fees and costs.

7. Attached hereto as Exhibit B is a true and correct copy of a biography prepared by Motley Rice LLC for Michael E. Elsner, a 1997 law-school graduate and a Member of Motley

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<sup>1</sup> Because Motley Rice LLC operates as a limited liability company, "Members" of Motley Rice LLC are equivalent to partners or shareholders in law firms operating under alternate corporate structures.

Rice LLC who served as lead trial counsel for the *Miller* Plaintiffs before this Court. Michael E. Elsner has worked as an attorney with Motley Rice LLC since 2002.

8. Attached hereto as Exhibit C is a true and correct copy of a biography prepared by Motley Rice LLC for John M. Eubanks, a 2003 law-school graduate and a Member of Motley Rice LLC who served as trial counsel for the *Miller* Plaintiffs before this Court. John M. Eubanks has worked as an attorney with Motley Rice LLC since 2004.

9. Attached hereto Exhibit D is a true and correct copy of a biography prepared by Motley Rice LLC for Courtney R. Wolf, a 2019 law-school graduate and an Associate with Motley Rice LLC who served as assistant trial counsel for the *Miller* Plaintiffs before this Court. Courtney R. Wolf has worked as an attorney with Motley Rice LLC since 2019.

10. In addition to the three lawyers from Motley Rice LLC listed above, Motley Rice LLC also utilized the services of two experienced trial paralegals in their prosecution of this case. Megan Neubert has worked for Motley Rice LLC since 2012 specifically within the firm's Antiterrorism and Human Rights Practice Group. Amanda Unterreiner has worked for Motley Rice LLC since 2006 within the firm's Antiterrorism and Human Rights Practice Group while also serving as a trial paralegal in the National Opioid Litigation Multi-District Litigation and in individualized damages cases brought against the tobacco industry in the State of Florida by individuals who suffered lung disease, lung cancer, or other respiratory diseases associated with the dangers of smoking cigarettes.

11. As a law firm that engages in the practice of law on a nationwide basis in leadership positions in countless high-profile litigations in both state and federal courts, Motley Rice LLC attorneys' and support staffs' billable hours and maintained contemporaneously, and billable rates have been established for each attorney and support staff member in relation to this work.

12. The hourly billing rates for the individuals who have worked on this case are the regular rates charged for their services by Motley Rice LLC either in non-contingent cases or where the compensation is determined by lodestar calculations. The following are the regular billing rates for the Motley Rice LLC attorneys and staff who continuously worked on this case since its inception and who were present during the damages trial:

- Michael E. Elsner: \$925 per hour;
- John M. Eubanks: \$775 per hour;
- Courtney R. Wolf: \$425 per hour;
- Megan Neubert: \$325 per hour; and
- Amanda Unterreiner: \$325 per hour.

13. In addition to the Motley Rice LLC attorneys and staff set forth above, the following additional attorneys and support staff billed time in these cases. Their names, job titles, year of law-school graduation for attorneys, and regular rates charged for their service by Motley Rice LLC are set forth as follows:

<b>Name</b>	<b>Job Title</b>	<b>Attorney Law-School Graduation Year</b>	<b>Regular Hourly Billing Rate</b>
Jodi Westbrook Flowers	Member, Head of Firm's Antiterrorism and Human Rights Practice Group	1993	\$925-\$950
Elizabeth Smith	Member	2000	\$775
Christopher F. Moriarty	Member	2011	\$600
Robert T. Haefele	Senior Counsel	1989	\$825
Mitchell B. Thornton	Associate	2009	\$500
Andrew Rice	Law Clerk		\$300
Margaret Scalise	Law Clerk		\$300
Richard Cashion	Senior Paralegal		\$350
Lisa Hack	Paralegal III		\$325
Claudia Ludden	Research Assistant		\$225

14. Attached hereto as Exhibit E is a summary of the hours spent on this case, the billing rate, and the total billed hours for each of the individuals for whom billing records exist within Motley Rice LLC's Carpe Diem timekeeping software as related to this litigation.

15. The summary found at Exhibit E divides the billing time into the following different increments based on the dates of billing:

- a. **Pre-Filing:** Time period prior to the filing of the Complaint incorporating client retention, investigation, legal research, drafting and finalization of the Complaint. The time records supporting this item begin in early-December 2019 through the filing of the Complaint on July 23, 2020.
- b. **Post-Filing and Pre-Trial:** Time period following the filing of the Complaint on July 23, 2020 through February 7, 2022, when trial in this action commenced, incorporating service of process by publication, consolidation of the *Miller* and *Langford* cases, entries of default, retention of experts for damages, and preparation of damages materials as provided to the Court through the filing of Plaintiffs' Trial Brief Regarding Trial for Entry of Default Judgment filed on January 28, 2022.
- c. **Trial:** Time period from start of trial on February 7, 2022 through close of trial on February 10, 2022.
- d. **Post-Trial Submissions:** Time period from February 11, 2022 through the filing of the instant application including preparation of Proposed Findings of Fact and Conclusions of Law and the instant Application for Attorney's Fees and Costs.

16. Plaintiffs are prepared to provide the detailed billing records to the Court at the Court's request given the voluminous nature of the billing records from November 2019 to the present.

17. The attorneys and staff at Motley Rice LLC billed a total number of 3146.40 hours on this case from its inception to the point of filing this application, and the presumptively reasonable attorney's fees for these hours billed at the regular hourly rates of the Motley Rice LLC attorneys and staff members totals \$1,693,697.50.

18. Attached hereto as Exhibit F is a summary listing of the costs incurred by Motley Rice LLC on behalf of the *Miller* Plaintiffs in connection with Motley Rice LLC's efforts in this matter. These costs are reflected on the books and records of Motley Rice LLC. These books and records are prepared from expense vouchers, receipts, invoices, check records, and other source materials and are an accurate record of the expenses incurred. The total value of costs incurred by Motley Rice LLC on behalf of the *Miller* Plaintiffs, as set forth on Exhibit F, is \$566,310.47. Plaintiffs are prepared to provide the detailed expense records to the Court at the Court's request given the voluminous nature of the expense records from November 2019 to the present.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: May 13, 2022

/s/ John M. Eubanks  
John M. Eubanks